



General Assembly

January Session, 2005

***Raised Bill No. 1295***

LCO No. 4390

\*04390\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT ESTABLISHING AN ELECTRONIC RECORDING COMMISSION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in this section and  
2 section 2 of this act:

3 (1) "State real property electronic recording system" means a state-  
4 wide real property electronic recording system, consisting of  
5 information, data bases, hardware, software and all components of  
6 each town electronic recording system.

7 (2) "Document" means any instrument, in either electronic or paper  
8 form, that creates, transfers, asserts or explains an interest in real  
9 estate, including a deed, patent, mortgage, will, lien instrument, grant  
10 of easement, affidavit, court order or decree, notice, order of fence  
11 viewers and any other instrument that affects an interest in real estate.

12 (3) "Electronic" means relating to technology having electrical,  
13 digital, magnetic, wireless, optical or electromagnetic capabilities or  
14 similar capabilities.

15 (4) "Electronic document" means a document created by electronic  
16 means.

17 (5) "Electronic signature" means an electronic sound, symbol or  
18 process, attached to or logically associated with an electronic  
19 document and executed or adopted by a person with the intent to sign  
20 the electronic document.

21 (6) "Paper document" means a document printed in paper form.

22 (7) "Town electronic recording system" means any real property  
23 electronic recording system that may be maintained by a town in this  
24 state, consisting of information, data bases, hardware, software and all  
25 components of such system.

26 Sec. 2. (NEW) (*Effective from passage*) (a) There is established an  
27 Electronic Recording Commission, which shall be within the State  
28 Library for administrative purposes only. The commission shall consist  
29 of:

30 (1) The Secretary of the State, or a designee;

31 (2) The Chief Information Officer of the Department of Information  
32 Technology, or a designee;

33 (3) The Public Records Administrator, or a designee;

34 (4) A member of the real property section of the Connecticut Bar  
35 Association, appointed by the speaker of the House of Representatives;

36 (5) A town clerk representing the Connecticut Town Clerk's  
37 Association, appointed by the president pro tempore of the Senate;

38 (6) A representative of a title insurance company, appointed by the  
39 minority leader of the House of Representatives; and

40 (7) A representative of the mortgage banking industry, appointed  
41 by the minority leader of the Senate.

42 (b) The members initially appointed under subdivisions (4) and (7)  
43 of subsection (a) of this section shall serve for a term of two years from  
44 July 1, 2005, and the members subsequently appointed under said  
45 subdivisions (4) and (7) shall serve for terms of three years from July  
46 first in the year of their appointment. The members appointed under  
47 subdivisions (5) and (6) of subsection (a) of this section shall serve for  
48 terms of three years from July first in the year of their appointment.  
49 Initial appointments under subdivisions (4) to (7), inclusive, of this  
50 subsection shall be made not later than sixty days after the effective  
51 date of this section. Vacancies on the commission shall be filled by the  
52 appointing authority. The commission shall elect a chairperson and a  
53 vice-chairperson from among its members. Members of the  
54 commission shall serve without compensation but shall, within the  
55 limits of available funds, be reimbursed for expenses necessarily  
56 incurred in the performance of their duties.

57 (c) The Electronic Recording Commission shall adopt standards to  
58 be used in the development, implementation and operation of a state  
59 real property electronic recording system, provided such standards  
60 shall not be deemed to be regulations, as defined in section 4-166 of the  
61 general statutes. Such standards shall set forth:

62 (1) The manner and format in which an electronic document shall be  
63 submitted, received, returned, stored and retrieved, and specifications  
64 for the systems established for such purposes;

65 (2) The type of electronic signature required, the manner, format  
66 and technological processes in which an electronic signature shall be  
67 affixed to an electronic document, the manner, format and  
68 technological processes for certifying authorities for such electronic  
69 signatures, and the identity of, or criteria that shall be met by, any  
70 third party used by town clerks to facilitate the process of affixing  
71 electronic signatures and filing electronic documents. Such formats  
72 and technological processes shall be capable of assuring that (A) the  
73 party indicated to have signed an electronic document is the party who

74 actually signed the electronic document, and (B) the electronic  
75 document and its electronic signature have been electronically sealed  
76 to protect the document and signature from being changed after  
77 execution;

78 (3) Processes and procedures to ensure (A) adequate preservation,  
79 disposition, integrity, security and confidentiality of electronic  
80 documents, and (B) the ability to adequately audit electronic  
81 documents;

82 (4) Any other attributes for electronic documents that are required  
83 by law for corresponding paper documents or reasonably necessary  
84 for the purpose of filing such electronic documents;

85 (5) The manner and format in which an electronic version of a paper  
86 document shall be created;

87 (6) Qualifications for town clerks and other authorized persons  
88 entering information into a state electronic real property recording  
89 system, and procedures for the commission's determination as to  
90 whether such qualifications are met;

91 (7) The procedure for payment of recording fees required under  
92 section 7-34a of the general statutes by electronic funds transfer;

93 (8) The procedure for searching for real estate information in a state  
94 real property electronic recording system;

95 (9) Any such fee schedule for remote access searches for real estate  
96 information in a state real property electronic recording system as the  
97 commission may establish, and procedures for the collection and  
98 allocation of any such fees by and among town clerks; and

99 (10) Any other requirements or procedures necessary for the  
100 development, implementation or operation of a state real property  
101 electronic recording system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

***Statement of Purpose:***

To establish an Electronic Recording Commission to adopt standards to be used in the development, implementation and operation of a state real property electronic recording system.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*